

**Posted – JANUARY 13, 2016**

**REGULAR MEETING JANUARY 19, 2016**

## **TOWN COUNCIL OF THE TOWN OF MIDDLETOWN, RHODE ISLAND**

**The following items of business, having been filed with the Town Clerk under the Rules of the Council, will come before the Council at a regular meeting to be held on Tuesday, January 19, 2016 at 5:00 P.M. Executive Session; 6.00 P.M. Pre-Budget Consultation and 7:00 P.M. Regular Meeting at the Middletown Town Hall, 350 East Main Road, Middletown, Rhode Island. The items listed on the Consent portion of the agenda are to be considered routine by the Town Council and will ordinarily be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests and the Town Council President permits, in which event the item will be removed from Consent Agenda consideration and considered in its normal sequence on the agenda. All items on this agenda, with the exception of the Public Forum Session, may be considered, discussed and voted upon.**

**Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the**

**members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”**

**Any person not a member of the Council, desiring to address the Council concerning a matter on the docket of the Council, not the subject of a Public Hearing, shall submit a written request to the Town Clerk stating the matter upon which he desires to speak. Persons are permitted to address the Council for a period not to exceed five (5) minutes.**

## **PLEDGE OF ALLEGIANCE TO THE FLAG**

## **RECONSIDERATION**

**The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert’s Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:**

**If, in the same session that a motion has been voted on, but no later**

than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)

## **5:00 PM - EXECUTIVE SESSION**

**1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (1) Personnel (Town Administrator) and (2) Collective Bargaining (Town Hall - NEARI).**

## **6:00 PM - SCHOOL COMMITTEE - PRE-BUDGET CONSULTATION**

**2. Pursuant to - “§ 16-2-21 Pre-budget consultation – Annual reports – Appropriation requests – Budgets. – (a) At least sixty (60) days but not more than ninety (90) days prior to the formal submission of the school budget to the appropriate city or town officials by the school committee, there shall be a joint pre-budget meeting between the school committee and the city or town council(s). At or before this**

**meeting:”**

**(1) “The highest elected official of the city or town shall submit to the school committee an estimate, prepared in a manner approved by the department of administration, of projected revenues for the next fiscal year. In the case of the property tax, the projections shall include only changes in the property tax base, not property tax rates; “**

**(2) “The school committee shall submit to the city or town council a statement for the next ensuing fiscal year of anticipated total expenditures, projected enrollments with resultant staff and facility requirements, and any necessary or mandated changes in school programs or operations”.**

**3. Communication of Robert J. Sylvia, President, Middletown Town Council, with enclosure, re: Information in accordance with RIGL 16-2-21.**

**4. Receipt of Revenue Manual.**

**5. Memorandum of Theresa Spengler, School Committee Chair, with enclosures, re: Pre-Budget Consultation FY 2016-2017. (Documentation to follow)**

**7:00 PM - PRESENTATIONS**

**6. (Continued from December 7, 2015, Regular Meeting)**

**Citation of the Council, re: St. George's Football Team.**

**7. Citation of the Council, re: Middletown High School Teacher – Jennifer Vaillancourt.**

**8. Citation of the Council, re: Finance Director Lynne Dible – Years of Service.**

**9. Memorandum of Lori Verderosa, MPC Coordinator, re: Project Purple Week Proclamation.**

**10. Resolution of the Council, re: Proclaiming January 25-29, 2016 as Project Purple Week in the Town.**

## **PUBLIC FORUM**

**11. Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting. All items**

**discussed during this session will not be voted upon.**

## **BOARD OF LICENSE COMMISSION**

**12. Application of Johnny's Atlantic Beach, Inc. dba Atlantic Beach Club, 53-55 Purgatory Road, holder of a Class BV Alcoholic Beverage License to TRANSFER said License to Newport Beach House, Inc., dba Newport Beach House for use at the same premises. (Requires Advertising for Public Hearing)**

## **CONSENT**

**13. Approval of Minutes, re: Regular Meeting, December 7, 2015.**

**14. (Continued from December 7, 2015, Regular Meeting)**

**Communication of Tax Assessor, dated December 1, 2015, with enclosures, re: Cancellation of Taxes for certain Middletown residents.**

**15. (Continued from December 7, 2015, Regular Meeting)**

**Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.**

**16. Communication of Tax Assessor, dated December 29, 2015, with enclosures, re: Cancellation of Taxes for certain Middletown residents.**

**17. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.**

**18. Communication of Tax Assessor, dated January 12, 2016, with enclosures, re: Cancellation of Taxes for certain Middletown residents.**

**19. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.**

**20. Communication of Tax Assessor and Finance Director, dated January 11, 2016, with enclosures, re: Cancellation of Taxes for certain Middletown residents.**

**21. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.**

**22. Communication of Accounting Manager, thru Finance Director, with enclosure, re: Quarterly Tax Collector's Report as of 12/31/2015 – Town of Middletown.**

**23. Memorandum of Finance Director, with enclosures, re: Donation**

**of Surplus Fire 2002 Ford Explorer and DPW 1988 and 2000 Dump Trucks.**

**24. Resolution of the Council, re: Surplus Fire 2002 Ford Explorer and DPW 1988 and 2000 Dump Trucks.**

**25. Memorandum of Karen S.D. Grande, Locke Lord, with enclosure, re: Town of Middletown, RI Bond Act.**

**26. Memorandum of Town Administrator, with enclosure, re: Appointment of Interim Finance Director – Marc Tanguay.**

**27. Communication of Council President Sylvia, re: Letter to RI Resource Recovery Corporation in opposition to the municipal solid waste disposal fee price structuring.**

**28. Resolution of the Town of Charlestown, re: Requesting support of legislation on controlling blasting.**

**29. Communication of Sarah R. DeStefano, Project Manager, Weston & Sampson, re: Notification to Abutters, Proposed Remedial Alternative – RIDEM Case No. 2008-002, Town Center in the Valley Site, High Street & Adelaide Avenue, AP 108, Lot 4 (Parcels A & A1) & Lot 556, Middletown, RI.**

**30. Communication of Gary Jablonski, Principal Engineer, Office of**



**Waste Management, RI Department of Environmental Management, with enclosure, re: Town Center in the Valley, Plat 108, Lots 4 and 554 (formerly portion of Lot 1), High Street and Adelaide Avenue, Middletown.**

**31. Communication of Denise Panichas, Executive Director, Samaritans of Rhode Island, re: Appreciation for support.**

**32. Memorandum of Denise Panichas, Executive Director, Samaritans of Rhode Island, with enclosure, re: Requesting support to build awareness in the community.**

**33. Communication of James Winters, President, Newport County NAACP, with enclosure, re: Appreciation for support.**

**34. Communication of Sara Churgin, on behalf of Russ Smith, Chair, Eastern RI Conservation District, with enclosure, re: Requesting support for the Eastern Rhode Island Conservation District (ERICD).**

**35. Communication of Joseph A. Keough, Jr., re: City of Newport Utilities Department, Water Division Proposed Rate Increase. (A copy of the Newport Water's filing is on file for viewing in the Office of the Town Clerk)**

**36. Communication of Peter V. Lacouture, with enclosures, re: The Narragansett Electric Company dba National Grid Aquidneck Island**

**Reliability Project EFSB Application. (A copy of the complete application is on file for viewing in the Office of the Town Clerk)**

**37. Memorandum of Clean Ocean Access, re: Quarterly Report on Adopted CRMC Public Rights of Way (2015/Q3 & Q4).**

**38. Notice of Public Hearing, Middletown Zoning Board of Review, Petition of Seaview Inn, LLC (owners) – by their attorney David P. Martland, Esquire – for a Special Use Permit from Sections 602, 725 & 1106 – to allow the installation of a ground-mounted solar photovoltaic facility in Zone 1 of the Watershed Protection District. Said real estate located at 240 Aquidneck Avenue, John Clarke Road & Valley Road and further identified as Lots 54 on Tax Assessor's Plat 115.**

**39. License of Burial, re: Megan Surber – Section 53, Graves 17 & 18.**

**40. License of Burial, re: Emily Ferris – Section 52 East, Graves 191 & 192.**

**41. Application of Middletown Senior Center, Middletown, for RENEWAL of a Bingo License for the 2016-2107 licensing year.**

**42. Application of James J. Gaston, Middletown, for RENEWAL of a Private Detective License for the 2016-2017 licensing year.**

## **LICENSES**

**43. Application for Special Event Permit – Middletown Founder's Day 2016 submitted by Gary Paquette for a joint Town/Historical Society event commemorating the founding of Middletown, to be held on Saturday, August 20, 2016 and Sunday, August 21, 2016 from 9:00 AM to 6:00 PM at Paradise Park. (Applicant requests Council to waive permit fee)**

## **PUBLIC HEARING**

**44. (Public Hearing Advertised; Abutters notified)**

**(Public Hearing Remains Open)**

**An Ordinance of the Town of Middletown (Second Reading)**

**An ordinance in Amendment to the Town Code of the Town of Middletown, Title XV, Land Use, A Temporary Moratorium on Construction and Development of Large Scale Shopping Centers & Buildings with Footprints Exceeding 35,000 Square Feet in the General Business and Traffic Sensitive General Business Zoning Districts.**

## **OTHER COMMUNICATIONS**

**45. Communication of St. Patrick's Day Parade Committee, re: Request for support by placing an ad in the Parade Bulletin or donating to the parade committee.**

**46. Communication of Olivia Cheever, Emilie Isaacson and Aniyah Jones, Brownie Troop #85, re: Sidewalks on Purgatory Road.**

**47. Communication of William H. Nedderman, Jr., Building and Grounds, Middletown Historical Society, with enclosure, re: Requesting support by the Town Council to gain Land Trust consent to build a small forge barn on Paradise Park.**

**48. Memorandum of Charlene Rose-Cirillo, Chair, Middletown Planning Board, with enclosure, re: GrowSmart RI offer to technical assistance – Agricultural Overlay District.**

**49. Resolution of the Council, re: Accepting GrowSmart RI's Offer of technical assistance to draft an agricultural business overlay district.**

**50. Communication of Charlene Rose-Cirillo, Chair, Middletown Planning Board, re: Proposed public informational workshop on land use and development matters.**

## **TOWN COUNCIL**

**51. At the request of Council President Sylvia, Memorandum of Town Administrator, with enclosure, re: Middletown Historical Society request for funds.**

**52. Communication of Councillor Viveiros, with enclosure, re: Discussion of proposed restorations of dunes at 3rd Beach.**

**53. Communication of Councillor Viveiros, re: Discussion of stopping spending not approved by the Council, in both the Operational and CIP budgets.**

**54. Communication of Councillor Viveiros, re: Comprehensive Plan and Zoning still remains non-compatible.**

**55. Communication of Councillor Viveiros, re: Discuss exploring a new property tax collection system.**

**56. Communication of Councillor Viveiros, re: Discuss a resolution in opposition to the Governor's Rhode Works proposal.**

## **TOWN ADMINISTRATOR**

**57. Memorandum of the Town Administrator, with enclosures, re: Draft Report: Impact Fee Study for Sanitary Sewer. (Planning Board Recommendation attached)**

**58. Memorandum of Town Administrator, re: Impact Fees Schedule Recommendation.**

**59. Memorandum of Town Planner, re: EPA Southeast New England Program for Coastal Watershed Restoration.**

**60. Resolution of the Council, re: Authorizing administration to submit letter of support, including commitment of town participation and contribution of up to \$25,000 of in-kind service, with any additional town in-kind or cash match requests subject to Town Council authorization.**

**61. Audit Committee Presentation.**

**62. Town of Middletown Audit – Year Ending June 30, 2015.**

## **APPOINTMENT TO BOARDS AND COMMITTEES**

**63. Appointment of one (1) member to the Open Space and Fields Committee, to complete a term expiring November 2016.**

**64. Appointment of Tree Warden for the 2016 calendar year.**

**65. Appointment of Alternate Council Members to the Budget Sub-Committee.**

**Wendy J.W. Marshall, CMC  
Town Clerk**

**This meeting location is accessible to the handicapped. Individuals requiring interpreter services for the hearing-impaired should notify the Town Clerk's Office at 847-0009 not less than 48 hours before this meeting.**